



General Assembly

January Session, 2013

**Committee Bill No. 178**

LCO No. 4827



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING THE CONTINUATION OF CHILD SUPPORT  
OBLIGATIONS AFTER THE TERMINATION OF PARENTAL RIGHTS  
DUE TO ABUSE OR NEGLECT OF THE CHILD.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subdivision (1) of subsection (a) of section 17b-745 of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2013*):

4 (a) (1) The Superior Court or a family support magistrate may make  
5 and enforce orders for payment of support to the Commissioner of  
6 Administrative Services or, in IV-D support cases, to the state acting by  
7 and through the IV-D agency, directed to the husband or wife and, if  
8 the patient or person is under the age of eighteen years or as otherwise  
9 provided in this subsection, to any parent of any patient or person  
10 being supported by the state, wholly or in part, in a state humane  
11 institution, or under any welfare program administered by the  
12 Department of Social Services, as the court or family support  
13 magistrate finds, in accordance with the provisions of subsection (b) of  
14 section 17b-179, or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-130,  
15 to be reasonably commensurate with the financial ability of any such

16 relative. If such person is unmarried and a full-time high school  
17 student, such support shall continue according to the parents'  
18 respective abilities, if such person is in need of support, until such  
19 person completes the twelfth grade or attains the age of nineteen,  
20 whichever occurs first. The child support obligation of a parent whose  
21 parental rights are terminated shall continue, upon the motion of the  
22 other parent, if (A) the court terminated the parental rights of such  
23 parent, in whole or in part, on the grounds that the child was abused,  
24 neglected or uncared for, and (B) a court determines that continuation  
25 of such child support obligation is in the best interests of the child.  
26 Any child support obligation continued upon such motion shall  
27 terminate whenever the child is adopted. Any court or family support  
28 magistrate called upon to make or enforce [such] an order under this  
29 subsection, including an order based upon a determination consented  
30 to by the relative, shall ensure that such order is reasonable in light of  
31 the relative's ability to pay.

32 Sec. 2. Section 46b-84 of the general statutes is amended by adding  
33 subsection (i) as follows (*Effective October 1, 2013*):

34 (NEW) (i) The child support obligation of a parent whose parental  
35 rights are terminated shall continue, upon the motion of the other  
36 parent, if (1) the court terminated the parental rights of such parent, in  
37 whole or in part, on the grounds that the child was abused, neglected  
38 or uncared for, and (2) a court determines that continuation of such  
39 child support obligation is in the best interests of the child. Any child  
40 support obligation continued under this subsection shall continue in  
41 accordance with the requirements of this section and any final order  
42 for the periodic payment of child support and shall terminate in  
43 accordance with this section and the terms of such order, or whenever  
44 the child is adopted, whichever is earlier.

45 Sec. 3. Subparagraph (A) of subdivision (1) of subsection (a) of  
46 section 46b-171 of the general statutes is repealed and the following is  
47 substituted in lieu thereof (*Effective October 1, 2013*):

48 (a) (1) (A) If the defendant is found to be the father of the child, the  
49 court or family support magistrate shall order the defendant to stand  
50 charged with the support and maintenance of such child, with the  
51 assistance of the mother if such mother is financially able, as the court  
52 or family support magistrate finds, in accordance with the provisions  
53 of subsection (b) of section 17b-179, or section 17a-90, 17b-81, 17b-223,  
54 17b-745, as amended by this act, 46b-129, 46b-130 or 46b-215, as  
55 amended by this act, to be reasonably commensurate with the financial  
56 ability of the defendant, and to pay a certain sum periodically until the  
57 child attains the age of eighteen years or as otherwise provided in this  
58 subsection. If such child is unmarried and a full-time high school  
59 student, such support shall continue according to the parents'  
60 respective abilities, if such child is in need of support, until such child  
61 completes the twelfth grade or attains the age of nineteen, whichever  
62 occurs first. The child support obligation of a defendant whose  
63 parental rights are terminated shall continue, upon the motion of the  
64 other parent, if (i) the court terminated the parental rights of such  
65 defendant, in whole or in part, on the grounds that the child was  
66 abused, neglected or uncared for, and (ii) a court determines that  
67 continuation of such child support obligation is in the best interests of  
68 the child. Any child support obligation continued upon such motion  
69 shall terminate whenever the child is adopted.

70 Sec. 4. Subdivision (1) of subsection (c) of section 46b-172 of the  
71 general statutes is repealed and the following is substituted in lieu  
72 thereof (*Effective October 1, 2013*):

73 (c) (1) At any time after the signing of any acknowledgment of  
74 paternity, upon the application of any interested party, the court or  
75 any judge thereof or any family support magistrate in IV-D support  
76 cases and in matters brought under sections 46b-212 to 46b-213w,  
77 inclusive, shall cause a summons, signed by such judge or family  
78 support magistrate, by the clerk of the court or by a commissioner of  
79 the Superior Court, to be issued, requiring the acknowledged father to  
80 appear in court at a time and place as determined by the clerk but not

81 more than ninety days after the issuance of the summons, to show  
82 cause why the court or the family support magistrate assigned to the  
83 judicial district in IV-D support cases should not enter judgment for  
84 support of the child by payment of a periodic sum until the child  
85 attains the age of eighteen years or as otherwise provided in this  
86 subsection, together with provision for reimbursement for past-due  
87 support based upon ability to pay in accordance with the provisions of  
88 section 17a-90 or 17b-81, subsection (b) of section 17b-179 or section  
89 17b-223, 46b-129 or 46b-130, a provision for health coverage of the  
90 child as required by section 46b-215, as amended by this act, and  
91 reasonable expense of the action under this subsection. If such child is  
92 unmarried and a full-time high school student such support shall  
93 continue according to the parents' respective abilities to pay, if such  
94 child is in need of support, until such child completes the twelfth  
95 grade or attains the age of nineteen, whichever occurs first. The child  
96 support obligation of a father whose parental rights are terminated  
97 shall continue, upon the motion of the other parent, if (A) the court  
98 terminated the parental rights of such father, in whole or in part, on  
99 the grounds that the child was abused, neglected or uncared for, and  
100 (B) a court determines that continuation of such child support  
101 obligation is in the best interests of the child. Any child support  
102 obligation continued upon such motion shall terminate whenever the  
103 child is adopted.

104 Sec. 5. Subdivision (1) of subsection (a) of section 46b-215 of the  
105 general statutes is repealed and the following is substituted in lieu  
106 thereof (*Effective October 1, 2013*):

107 (a) (1) The Superior Court or a family support magistrate may make  
108 and enforce orders for payment of support against any person who  
109 neglects or refuses to furnish necessary support to such person's  
110 spouse or a child under the age of eighteen or as otherwise provided in  
111 this subsection, according to such person's ability to furnish such  
112 support, notwithstanding the provisions of section 46b-37. If such child  
113 is unmarried and a full-time high school student, such support shall

114 continue according to the parents' respective abilities, if such child is in  
115 need of support, until such child completes the twelfth grade or attains  
116 the age of nineteen, whichever occurs first. Such order of support shall  
117 continue for a parent whose parental rights are terminated, upon the  
118 motion of the other parent, if (A) the court terminated the parental  
119 rights of such parent, in whole or in part, on the grounds that the child  
120 was abused, neglected or uncared for, and (B) a court determines that  
121 continuation of such child support obligation is in the best interests of  
122 the child. Any child support obligation continued upon such motion  
123 shall terminate whenever the child is adopted.

124 Sec. 6. Subsection (a) of section 45a-717 of the general statutes is  
125 repealed and the following is substituted in lieu thereof (*Effective*  
126 *October 1, 2013*):

127 (a) At the hearing held on any petition for the termination of  
128 parental rights filed in the Court of Probate under section 45a-715, or  
129 filed in the Superior Court under section 17a-112, or transferred to the  
130 Superior Court from the Court of Probate under section 45a-715, any  
131 party to whom notice was given shall have the right to appear and be  
132 heard with respect to the petition. If a parent who is consenting to the  
133 termination of such parent's parental rights appears at the hearing on  
134 the petition for termination of parental rights, the court shall explain to  
135 the parent the meaning and consequences of termination of parental  
136 rights. If an order terminating parental rights under this section is  
137 based, in whole or in part, on the grounds that the child was abused,  
138 neglected or uncared for, prior to entering such order, the court shall  
139 provide notice to the parent whose parental rights are being  
140 terminated that such parent's child support obligation may continue  
141 upon motion of the other parent. Nothing in this subsection shall be  
142 construed to require the appearance of a consenting parent at the  
143 hearing regarding the termination of such parent's parental rights  
144 except as otherwise provided by court order.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2013</i>	17b-745(a)(1)
Sec. 2	<i>October 1, 2013</i>	46b-84
Sec. 3	<i>October 1, 2013</i>	46b-171(a)(1)(A)
Sec. 4	<i>October 1, 2013</i>	46b-172(c)(1)
Sec. 5	<i>October 1, 2013</i>	46b-215(a)(1)
Sec. 6	<i>October 1, 2013</i>	45a-717(a)

***Statement of Purpose:***

To require continued child support payments from a parent whose parental rights are terminated due to the abuse or neglect of the child.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. FASANO, 34th Dist.

S.B. 178